



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3294

Introduced 2/24/2011, by Rep. Chris Nybo

SYNOPSIS AS INTRODUCED:

New Act

Creates the School Access to Emergency Epinephrine Act. Provides that the purpose of the Act is to allow schools to have access to life-saving emergency epinephrine auto-injectors if and when a student has an anaphylaxis reaction and to allow the school to have personnel trained to administer an emergency epinephrine auto-injector. Provides that a school district may provide emergency epinephrine auto-injectors to trained personnel, and trained personnel may utilize those epinephrine auto-injectors to provide emergency medical. Provides that each public and private elementary and secondary school in the State may make emergency epinephrine auto-injectors and trained personnel available at its school and may designate one or more school personnel to receive initial and annual refresher training. Sets forth provisions concerning trained personnel, minimum standards and training, school plan, and limitation of liability. Effective immediately.

LRB097 10922 RPM 51480 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning schools.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the School
5 Access to Emergency Epinephrine Act.

6 Section 5. Findings and purpose. The purpose of this Act is
7 to allow schools to have access to life-saving emergency
8 epinephrine auto-injectors if and when a student has an
9 anaphylaxis reaction and to allow the school to have personnel
10 trained to administer an emergency epinephrine auto-injector
11 if the student has an anaphylaxis reaction, regardless of
12 whether that student had previously disclosed to the school a
13 food or other allergy or sensitivity.

14 Section 10. Definitions. For the purposes of this Act:

15 "Anaphylaxis" means a potentially life-threatening
16 hypersensitivity to a substance. Symptoms of anaphylaxis may
17 include shortness of breath, wheezing, difficulty breathing,
18 difficulty talking or swallowing, hives, itching, swelling,
19 shock, or asthma. Causes of anaphylaxis may include, but are
20 not limited to, an insect sting, food allergy, drug reaction,
21 and exercise.

22 "Epinephrine auto-injector" means a disposable drug

1 delivery system with a spring activated concealed needle that
2 is designed for emergency administration of epinephrine to
3 provide rapid, convenient first aid for persons suffering a
4 potentially fatal reaction to anaphylaxis.

5 "Physician" means a person licensed under the Medical
6 Practice Act of 1987 to practice medicine in all of its
7 branches.

8 Section 15. School districts; public and private
9 elementary and secondary Schools.

10 (a) A school district may provide emergency epinephrine
11 auto-injectors to trained personnel, and trained personnel may
12 utilize those epinephrine auto-injectors to provide emergency
13 medical aid to persons suffering from an anaphylactic reaction.

14 (b) Each public and private elementary and secondary school
15 in the State may make emergency epinephrine auto-injectors and
16 trained personnel available at its school.

17 (c) Each public and private elementary and secondary school
18 in the State may designate one or more school personnel to
19 receive initial and annual refresher training from the school
20 nurse or other qualified person designated by the medical
21 director of the local health department or the local emergency
22 medical services director. The training shall be based on the
23 standards developed pursuant to Section 25 of this Act
24 regarding the storage and emergency use of an epinephrine
25 auto-injector.

1 Section 20. Trained personnel.

2 (a) A school nurse or, if the school does not have a school
3 nurse, then a person who has received training pursuant to
4 Section 25 of this Act, may do the following:

5 (1) Obtain from the medical director of the local
6 health department or the local emergency medical services
7 director a prescription for emergency epinephrine
8 auto-injectors in order to have epinephrine auto-injectors
9 on school property for emergency use.

10 (2) Immediately administer an epinephrine
11 auto-injector to a person exhibiting any symptoms of
12 anaphylaxis at school or a school activity when a physician
13 is not immediately available.

14 (b) A person who has received training as set forth in
15 Section 25 of this Act or a school nurse may initiate emergency
16 medical services or other appropriate medical follow-up in
17 accordance with the training materials retained pursuant to
18 item (5) of subsection (b) of Section 25 of this Act.

19 Section 25. Minimum standards and training.

20 (a) The State Board of Education shall establish minimum
21 standards of training for the administration of epinephrine
22 auto-injectors that satisfy the requirements in subsection (b)
23 of this Section. For purposes of this Section, the State Board
24 of Education shall consult with the Department of Public Health

1 in the creation of the minimum standards of training.

2 (b) Training established pursuant to this Section shall
3 include all of the following:

4 (1) Techniques for recognizing symptoms of
5 anaphylaxis.

6 (2) Standards and procedures for the storage and
7 emergency use of epinephrine auto-injectors.

8 (3) Emergency follow-up procedures, including calling
9 the emergency 911 phone number and contacting, if possible,
10 the pupil's parent and physician.

11 (4) Instruction and certification in cardiopulmonary
12 resuscitation.

13 (5) Written materials covering the information
14 required under this subsection (b).

15 (c) Training established pursuant to this Section may be
16 done in conjunction with the in-service training program
17 pursuant to Sections 2-3.148 and 10-22.39 of the School Code.

18 (d) If a school chooses to designate one or more school
19 personnel to receive training pursuant to Section 15 of this
20 Act, then the school shall retain for reference the written
21 materials prepared under item (5) of subsection (b) of this
22 Section.

23 Section 30. School plan. If a school district chooses to
24 provide emergency epinephrine auto-injectors pursuant to
25 Section 15 of this Act, then the school district shall create a

1 plan to address all of the following issues:

2 (1) Designation of the individual or individuals who
3 will provide the training pursuant to subsection (c) of
4 Section 15 of this Act.

5 (2) Designation of the medical director of the local
6 health department or the local emergency medical services
7 director that the school district will consult for the
8 prescription for epinephrine auto-injectors pursuant to
9 item (1) of subsection (a) of Section 20 of this Act.

10 (3) Documentation as to which individual, whether it
11 shall be the school nurse or other trained personnel
12 pursuant to subsection (a) of Section 20, in the school
13 district shall obtain the prescription from the physician
14 and the medication from a pharmacist.

15 (4) Documentation as to where the medication is stored
16 and how the medication shall be made readily available in
17 case of an emergency.

18 Section 35. Limitation of liability. A claim for relief may
19 not be brought against a school nurse or trained personnel who
20 has received training as set forth in Section 25 of this Act
21 for an act or omission relating to the administration of
22 epinephrine to another individual in an emergency situation if
23 the individual who completed the training acted in good faith
24 under the authority granted by this Act.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.